

REMARKS/ARGUMENTS

The Applicant has reviewed the Office Action of March 7, 2007, and the comments therein were carefully considered. Claims 1-20 are pending in this application. In the Office Action, the Examiner rejected claims 1-20. Specifically, Claim 16 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1, 16 and 20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Rune et al. (U.S. Patent Application Number 2003/0069988). Claims 2-6, 10-12, 14, 17, and 18 stand rejected under 35 U.S.C. §103 as being unpatentable over Rune et al. in view of the admitted prior art. Claims 7, 8, 13, and 19 stand rejected under 35 U.S.C. §103 as being unpatentable over Rune et al. in view of the admitted prior art as applied to claims 3 and 16, and further in view Gai et al. (U.S. Patent Application Number 2004/0109443). Claim 9 stands rejected under 35 U.S.C. §103 as being unpatentable over Rune et al. in view of the admitted prior art as applied to claim 3, and further in view of Nassar (U.S. Patent Application Number 2004/0004968).

With respect to claim 15, Applicants respectfully submit that the Office Action failed to point out the reason for which the claim stands rejected. However, Applicant submits that claim 15 ultimately depends from claim 1 and therefore, that claim 15 is allowable for at least the same reasons as argued below with respect to claim 1.

Information Disclosure Statement

The Office Action states that the information disclosure statement filed on 10/30/2003 fails to comply with 37 CFR 1.98(a)(2). Applicant submits herewith an IDS which includes a legible copy of the cited publication.

Amendments to the Claims

Claims 1 and 16 have been amended to clarify the features of the claims. No new matter has been added.

The Office Action states at page 2 that the term “adopted to” in claim 1, line 5 “is not a positively recited claim limitation,” and “[t]herefore, the limitations after the term are not considered as claim limitations.” Applicant respectfully submits that the amendments to claim 1 render this objection moot.

Claim Rejections Under 35 U.S.C. §112 ¶2

Claim 16 stands rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 has been amended to more distinctly claim the subject matter. Applicant submits that claim 16 is in condition for allowance.

Claim Rejections Under 35 U.S.C. §102(e)

Claims 1, 16, and 20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Rune et al.

Applicant respectfully submits that Rune does not disclose, teach, or suggest the features of claims 1, 16 and 20.

The Office Action states that claim 1 is anticipated by Rune. Applicant respectfully submits that Rune does not disclose, at least, “a formatter adapted to receive indications representative of the data to be communicated pursuant to the packet communication service,” and also does not disclose control information “used in control of effectuation of the packet communication service” by a data communication device as claimed in Claim 1.

The Office Action merely equates the “formatter” with the processor of Rune, then recites a discussion in paragraph 53 of the functionality of a transceiver “transmitting packets and receiving packets from neighboring nodes” as being equivalent to the “formatter adapted to receive indications representative of the data to be communicated pursuant to the packet communication service.” Applicant submits that the Office Action has not specifically identified where each of the features is present in the cited reference. Additionally, having labeled the formatter as equivalent to the processor, the Office Action turns to the functionality of the transceiver to read on the features and functionalities performed by the formatter. Furthermore, the cited reference merely discusses the transceiver receiving and transmitting packets, and the Office Action does not indicate how that can be interpreted to mean receiving “indications representative of the data to be communicated pursuant to the packet communication service” as claimed in Claim 1.

The Office Action further indicates that the discussion in paragraphs 40 and 41 regarding the control bits that indicates whether a header extension is present is equivalent to the “formatter formatting the indications...” feature in the claimed invention of Claim 1. Applicant respectfully submits that the Office Action has not specifically discussed where in the cited paragraphs the features of the claimed invention of Claim 1 are specifically taught, at least with regards to the control information “used in control of effectuation of the packet communication service.” Rune merely discusses using control bits to indicate whether header extensions are present in a packet.

Therefore, Applicant respectfully submits that nothing in paragraphs 53, 40, and 41 of Rune cited in the Office Action discloses at least, “a formatter adapted to receive indications representative of the data to be communicated pursuant to the packet communication service,” and also does not disclose control information “used in control of effectuation of the packet communication service” by a data communication device as claimed in Claim 1.

The Office Action states that claim 16 is anticipated by Rune. Applicant respectfully submits that Rune does not disclose, at least, “obtaining indications representative of the data to be communicated pursuant to the packet communication service,” and also does not disclose control information “used in control of effectuation of the packet communication service” by a data communication device as claimed in Claim 16.

The Office Action merely recites a discussion in paragraph 53 of the functionality of a transceiver “transmitting packets and receiving packets from neighboring nodes” as being equivalent to “obtaining indications representative of the data to be communicated pursuant to the packet communication service.” Applicant submits that the Office Action has not specifically identified where each of the features is present in the cited reference. Additionally, the cited reference merely discusses the transceiver receiving and transmitting packets, and the Office Action does not indicate how that can be interpreted to mean “obtaining indications representative of the data to be communicated pursuant to the packet communication service” as claimed in Claim 16.

The Office Action further indicates that the discussion in paragraphs 40 and 41 regarding the control bits that indicate whether a header extension is present is equivalent to “formatting

the indications...” element in the claimed invention of Claim 16. Applicant respectfully submits that the Office Action has not specifically discussed where in the cited paragraphs the features of the claimed invention of Claim 16 are specifically taught, at least with regards to the control information “used in control of effectuation of the packet communication service.” As noted above with respect to Claim 1, Rune merely discusses using control bits to indicate whether header extensions are present in a packet.

Therefore, Applicant respectfully submits that nothing in paragraphs 53, 40, and 41 of Rune cited in the Office Action discloses at least, “a formatter adapted to receive indications representative of the data to be communicated pursuant to the packet communication service,” and also does not disclose control information “used in control of effectuation of the packet communication service” by a data communication device as claimed in Claim 16.

For at least the reasons discussed above, Applicant submits that claims 1 and 16 are in condition for allowance. Furthermore, because dependant claim 20 ultimately depends from claim 16, Applicant respectfully submits that claim 20 is allowable for at least the same reasons as argued above with respect to claim 16.

Claim Rejections Under 35 U.S.C. §103

Claims 2-6, 10-12, 14, 17, and 18 stand rejected under 35 U.S.C. §103 as being unpatentable over Rune et al. in view of the admitted prior art.

Claims 7, 8, 13, and 19 stand rejected under 35 U.S.C. §103 as being unpatentable over Rune et al. in view of the admitted prior art as applied to claims 3 and 16 above, and further in view Gai et al.

Claim 9 stands rejected under 35 U.S.C. §103 as being unpatentable over Rune et al. in view of the admitted prior art as applied to claim 3 above, and further in view of Nassar.

With respect to dependent claims 2-14, and 17-19, Applicant respectfully submits that each of these claims ultimately depends from one of claims 1 or 16 and therefore, that claims 2-14, and 17-19 are each allowable for at least the same reasons as argued above with respect to claims 1 and 16.

CONCLUSION

The Applicant respectfully submits that the instant application is in condition for allowance. Favorable reconsideration of this application is respectfully requested. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,

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